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Attorneys for Plaintiff  
CRYOTECH INTERNATIONAL, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CRYOTECH INTERNATIONAL, INC., a  
Delaware Corporation, fka VBS  
INDUSTRIES INCORPORATED

Plaintiff,

vs.

TECHNIFAB PRODUCTS, INC., an Indiana  
Corporation; and DOES 1-50 inclusive

Defendants.

Case No. C08 02921 HRL

Complaint filed June 12, 2008

**JOINT STIPULATION AND REQUEST  
FOR ORDER EXTENDING DEADLINE  
FOR FACT DISCOVERY**

Magistrate Judge Howard R. Lloyd

The parties jointly agree that the time set out in the Modified Stipulation and Request for Order Modifying Scheduling Order and Enlarging Deadlines for Discovery and Simultaneous Expert Witness Designations and Reports and Rebuttals, Dispositive Motions, and Pre-Trial and Trial Proceedings [Doc. No. 41, filed April 20, 2009], will not allow sufficient time to conduct all of the necessary depositions before the August 31, 2009, Fact Discovery Cutoff date.

Plaintiff's and Defendants' counsel have agreed to extend the Fact Discovery Cutoff from August 31, 2009, to September 30, 2009.

Good cause exists for this Court to exercise its discretion and extend the Fact Discovery Cutoff. The parties noncompliance with the Scheduling Order's deadlines would occur

1 notwithstanding diligent efforts to comply because of developments (i.e., Mr. Rubel's surgery and  
2 the parties' counsel's trial and other schedules) that were not reasonably anticipated at the time of the  
3 Rule 16 scheduling conference; and the parties are diligent in seeking an amendment of the  
4 Scheduling Order with respect to the Fact Discovery Cutoff, only.

5 If this Court approves, the parties would extend the Fact Discovery Cutoff to September  
6 30, 2009.

7 IT IS HEREBY STIPULATED, that the deadline for Fact Discovery Cutoff is extended  
8 from August 31, 2009, to September 30, 2009.

9  
10 Respectfully submitted,

11 JOHANSON BERENSON LLP

12 Dated: June 11, 2009

13 By: /s/ Douglas A. Rubel  
14 DOUGLAS A. RUBEL  
15 Attorneys for Plaintiff Cryotech  
16 International, Inc.

17  
18 ROBINSON & WOOD, INC.

19 Dated: June 11, 2009

20 By: /s/ Arthur J. Casey  
21 ARTHUR J. CASEY  
22 Attorneys for Defendant  
23 Technifab Products, Inc.

24  
25 **ORDER**

26 Good cause thereby appearing the Fact Discovery Cutoff is extended from August 31,  
27 2009 to September 30, 2009.

28 Dated: June 12, 2009

  
HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE